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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,033	07/05/2000	Noriki Tachibana	00491/HG	4239

1933 7590 09/11/2003

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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NEW YORK, NY 10017-2023

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,033

Applicant(s)

TACHIBANA ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed September 18, 2000 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The Applicants have stated that the relevancy of the cited documents is discussed on pages 3 and 4 of the Specification. However, the Examiner has reviewed pages 3 and 4 of the Specification and was not able to find a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The Specification merely mentions Japanese documents No. 4-152125 and 6-278149 as examples of documents describing treatment techniques. The Information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Response to Amendment

2. Amendments to claims 1 and 5-7 have been entered in the above-identified application. New claims 17 and 18 have been added. **Claims 1-18 are now pending of which 15 and 16 are withdrawn from consideration.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US 6,436,538 B1).

Takahashi et al. disclose effect or luster pigments that are reflective flat particles (Column 1, lines 14-15) and possess superior optical properties such as high reflectivity, brilliance, luster, and opacity and light stability (Column 3, lines 39-50). The particles have a core substrate of flat silicatic particles, an intermediate coating of titanium, zirconium or zinc oxide, and an outer coating of silicon oxide (Column 4, lines 7-12 and 48-50 and Column 5, lines 53-55). The particles have a length of 1 to 200 microns and a thickness of 0.05 to 5 microns with an aspect ratio of 2 to 1000 (Column 5, lines 22-30). These pigments can be embedded with excellent results in any high molecular weight organic materials and preferred examples of such materials include cellulose esters such as cellulose acetate (Column 10, lines 41-55 and Column 11, lines 1-18). All limitations of claims 1-9, 17, and 18 are disclosed in the above reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino et al. (US 5,680,184) in view of Takahashi et al. (US 6,436,538 B1).

Nishino discloses a color liquid crystal display device comprising a pair of polarizing plates arranged on both sides a liquid crystal cell (See Title, Abstract and claim 25). A color adjusting optical element (*corresponding to the polarizing plate*) is stacked on a liquid crystal cell and the polymer liquid crystal molecules are sandwiched between protective films consisting of cellulose triacetate (TAC) (Column 23, lines 31-37).

Nishino et al. do not teach that their cellulose acetate protective films comprise flat particles having an aspect ratio of 2 to 7.

However, Takahashi et al. disclose effect or luster pigments that are reflective flat particles (Column 1, lines 14-15) and possess superior optical properties such as high reflectivity, brilliance, luster, and opacity and light stability (Column 3, lines 39-50). The particles have a core substrate of flat silicatic particles, an intermediate coating of titanium, zirconium or zinc oxide, and an outer coating of silicon oxide (Column 4, lines 7-12 and 48-50 and Column 5, lines 53-55). The particles have a length of 1 to 200 microns and a thickness of 0.05 to 5 microns with an aspect ratio of 2 to 1000 (Column

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5, lines 22-30). These pigments can be embedded with excellent results in any high molecular weight organic materials and preferred examples of such materials include cellulose esters such as cellulose acetate (Column 10, lines 41-55 and Column 11, lines 1-18).

Accordingly, it would have been obvious to one having ordinary skill in the art to add flat particles having an aspect ratio of 2 to 7 to the cellulose acetate protective film disclosed by Nishino given that Takahashi et al. specifically teach that such particles possess superior optical properties such as high reflectivity, brilliance, luster, and opacity and light stability.

Response to Arguments

5. Applicant's arguments with respect to claims 1-14, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (703)305-0594. The examiner can normally be reached on Mondays and Thursdays from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (703)308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are


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(703)305-5408 for regular communications and (703)305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5665.


Sheeba Ahmed
Technology Center 1700
Art Unit 1773

September 5, 2003